

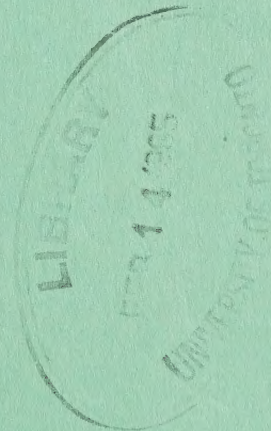
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Greater Winnipeg Metropolitan Planning Commission

# TOWN PLANNING SCHEME 1951

RURAL MUNICIPALITY OF  
ST. VITAL  
MANITOBA

Winnipeg, 1951





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TOWN PLANNING SCHEME  
FOR  
THE RURAL MUNICIPALITY OF ST. VITAL  
1951

A SCHEME IN THE FORM OF ZONING TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES, THE HEIGHT, NUMBER OF STOREYS, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND OTHER OPEN SPACES, AND THE DENSITY OF POPULATION, AND FOR SAID PURPOSES TO DIVIDE THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT.





## Chapter 1 DEFINITIONS

For the purpose of this Scheme, certain terms and words are defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural and vice versa; the word "building" includes "structure"; and the word "shall" is mandatory and not directory.

**ACCESSORY USE:** The use of land, or of a subordinate building or part thereof, or of a portion of a main building, such use being accessory or incidental to the principal use of the premises.

**ACT, THE:** Chapter 216, R.S.M. 1940, being "The Town Planning Act" and amendments thereto.

**AIRPORT OR AIRCRAFT LANDING FIELD:** Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

**APARTMENT, GARDEN:** Multiple dwellings with large, open spaces for lawns, landscaping and recreation, not more than two and one-half ( $2\frac{1}{2}$ ) storeys in height.

**APARTMENT BLOCK OR HOUSE:** Same as "Dwelling, Multiple".

**APARTMENT HOTEL:** A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

**AUTOMOBILE SERVICE STATION:** A building or portion thereof and land used for supplying fuel, oil and minor accessories for motor vehicles at retail direct to the customer and for making minor emergency repairs.

**AUTOMOBILE AND TRAILER SALES AREA:** An open area, other than a street used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

**BASEMENT:** A storey partly underground, having more than one-half of its average height above the average level of the adjoining ground. A basement shall be counted as a storey for height purposes.





**BOARDING AND/OR LODGING HOUSE, INCLUDING ROOMING HOUSE:**

A building or portion thereof, other than a hotel, apartment hotel or apartment block, where lodging and/or meals for five or more persons exclusive of the proprietor and his family, are provided for compensation.

**BUILDING:** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels. Where a dwelling is separated by a division wall without openings, each portion of such dwelling shall be deemed a separate building.

**BUILDING, HEIGHT OF:** The vertical distance measured from the grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

**BUILDINGS, UNIT GROUP:** Two or more buildings grouped upon a lot and held under single ownership, such as universities, hospitals, institutions and industrial plants.

**CAMP, PUBLIC:** Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, or two (2) or more camping parties, including cabins, tents or other camping outfits.

**CAMP, TRAILER:** Same as "Camp, Public".

**CELLAR:** A storey having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a storey for purposes of height measurement.

**CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

**COMMISSION:** The St. Vital Advisory Planning Commission.

**COUNCIL:** The Council of The Rural Municipality of St. Vital.

**COURT:** An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

**COURT APARTMENT:** One, two or three multiple dwellings arranged around two (2) or three (3) sides of a court which opens into a street, or a place approved by the Commission.





**DWELLING:** A building or portion thereof designed exclusively for residential occupancy, including one-family, two family and multiple dwellings, but not including hotels, boarding and lodging houses.

**DWELLING UNIT:** Two or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living or sleeping purposes and having only one (1) kitchen.

**DWELLING, ONE-FAMILY:** A detached building designed exclusively for occupancy by one (1) family.

**DWELLING, TWO-FAMILY:** A building designed exclusively for occupancy by two (2) families living independently of each other, including Duplex and Semi-detached Houses.

**DWELLING, MULTIPLE:** A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other, including Apartment Blocks and Houses.

**DWELLING, GROUP:** One or more buildings, not more than two and one-half ( $2\frac{1}{2}$ ) storeys in height, containing dwelling units and arranged around two (2) or three (3) sides of a court which opens onto a street, or a place approved by the Commission, including one-family, two-family, row or multiple dwellings and court apartments.

**DWELLING, ROW:** A row of three (3) to six (6) attached one-family dwellings, not more than two and one half ( $2\frac{1}{2}$ ) storeys in height, nor more than two (2) rooms deep, with the exception of the end houses which may be not more than three (3) rooms deep.

**FAMILY:** One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, rooming house, lodging house, hotel, club, fraternity or sorority house or institutional building.

**FRONTAGE, ENTIRE:** All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or municipal boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**FROZEN FOOD LOCKER:** A building or structure where food is frozen and stored in lockers and where no killing or slaughtering is permitted on the premises.

**GARAGE, PRIVATE:** A detached accessory building or portion of a main building for the parking or temporary storage of motor vehicles of the occupants of the premises.





**GARAGE, PUBLIC:** A building other than a private garage used for the care, repair, or equipment of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.

**GRADE:** The established grade of the sidewalk as fixed by the Superintendent of Works.

**HOME OCCUPATION:** An occupation carried on by the occupant of a dwelling on his premises as a secondary use in connection with which there is no display; no stock in trade nor commodity sold upon the premises; and no person employed.

**HOTEL:** A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are not less than twenty-four (24) bedrooms and no provision made for cooking in any individual room or apartment.

**LANE, PUBLIC OR PRIVATE:** A :           thorofare not over thirty-three (33) feet in width which affords only a secondary means of access to abutting property.

**LOADING SPACE:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

**LODGING HOUSE:** See "Boarding House."

**LOT:** A parcel of land the limits of which are defined by a plan, deed, certificate of title or other document of record in the Winnipeg Land Titles Office, or which appears as a separate entry on the assessment roll of the Municipality, and which has a frontage on a street or public place.

**LOT LINES:** The lines bounding a lot as defined herein.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured perpendicularly to the lot depth at a point midway between the front and rear lot lines, or forty (40) feet from the street it faces, whichever is the lesser.

**LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

**LOT AREA:** The total horizontal area within the lot lines of a lot.

**LOT, CORNER:** A lot not greater than seventy-five (75) feet in width and situated at the intersection of two (2) or more streets.





LOT, REVERSED CORNER: A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

LOT, INTERIOR: A lot other than a corner lot.

LOT, KEY: The first lot<sup>to</sup>/the rear of a reversed corner lot.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets.

LOT, TRANSITIONAL: A lot in any district abutting a lot in a less restricted district or separated therefrom by a lane.

NON-CONFORMING BUILDING: A building or structure or portion thereof lawfully existing at the time this Scheme becomes effective, but which in design, construction, dimensions or proportions or in respect of location on a lot does not comply with the regulations of this Scheme applying to the district in which it is located.

NON-CONFORMING USE: A use for which a building or land is lawfully occupied at the time this Scheme becomes effective and which does not comply with the use regulations of this Scheme applying to the district in which it is located.

PARKING AREA, PUBLIC: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE, AUTOMOBILE: Space within a building or public parking area for the temporary parking or storage of one (1) automobile.

PLACE: An open unoccupied space other than a street or lane permanently reserved as the principal means of access to abutting property.

PREMISES: An area of land including a lot, with or without buildings.

RESPONSIBLE AUTHORITY: The Council of the Rural Municipality of St. Vital.

ROOMING HOUSE: See BOARDING HOUSE.

STABLE, PRIVATE: A detached accessory building for the keeping of horses or cattle not exceeding two (2) such animals owned by the occupants of the premises and not kept for remuneration, hire or sale.





**STABLE, PUBLIC:** A stable other than a private stable.

**STOREY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it, and does not include a cellar.

**STOREY, HALF:** A storey under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such storey.

**STREET:** A public thoroughfare over thirty-three (33) feet in width, which affords principal means of access to abutting property.

**STRUCTURE:** Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

**STRUCTURAL ALTERATIONS:** Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**TOURIST COURT:** A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

**TRAILER, AUTOMOBILE;** A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

**USE:** The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

**YARD:** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Scheme.

**YARD, FRONT:** A yard extending across the full width of the lot, the depth of the yard being the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

**YARD, REAR:** A yard extending across the full width of the lot between the most rear main building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of a main building.

**YARD, SIDE:** A yard, between a main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be





measured horizontally from the nearest point of the side lot line toward the nearest part of a main building.

Chapter 2  
RESPONSIBLE AUTHORITY

The Council shall be the Authority responsible for enforcing the observance of this Scheme.

Chapter 3  
ADVISORY PLANNING COMMISSION

The Advisory Planning Commission of the Rural Municipality of St. Vital is hereby established as provided in Section 12A of the Town Planning Act. Said Commission shall be appointed by the Council as hereinafter provided and shall be composed of five (5) members, two (2) of whom shall be members of the Council and the remainder shall be citizens of the municipality, including members of the School Board and its employees, but excluding persons employed directly by the Municipality. Citizen members of the Commission shall have all the qualifications required for a councillor of the Municipality.

The Council shall appoint the Council members of the Commission annually. The citizens shall be appointed by Council for three (3) year terms except in the first instance when one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Retiring members shall be eligible for reappointment. In the event of a vacancy occurring in the membership of the Commission, said vacancy shall be filled by Council within thirty days. Should a member of the Commission be elected to the Council during his term of office, he shall retire from the Commission before taking his seat on the Council but may be reappointed to the Commission as a Council member of the Commission.

The Commission shall adopt its own rules of procedure and keep a record of its proceedings.

Before final action shall be taken by the Council or by any department acting under the authority of Council, on the location and design of any public building, park, parkway, boulevard, street, land, playground, public grounds, housing scheme or other similar development, or any change thereto, such question shall be submitted to the Commission for investigation and report. In addition to fulfilling the foregoing advisory duties, the Planning Commission shall act in the capacity of a board of adjustment on zoning matters as provided for in Chapter 17A.

Chapter 4  
AREA AFFECTED AND DISTRICTS

A. AREA AFFECTED. The area to which this Scheme shall apply shall be the whole of the Rural Municipality of St. Vital within the limits of its boundaries as established in the Manitoba Boundaries Act, R.S.M. 1940, Cap. 143, and amendments thereto.





## B. DISTRICTS.

In order to carry out the purpose and provisions of this Scheme the municipality is hereby divided into eight (8) districts, known as:

DISTRICT	SHORT TITLE
"A1" Agricultural District	"A1"
"RA" Suburban District	"RA"
"R1" One-family District	"R1"
"R2" Two-family District	"R2"
"R3" Multiple-family District	"R3"
"C1" Limited Commercial District	"C1"
"C2" Commercial District	"C2"
"M1" Light Industrial District	"M1"

The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this Scheme, being designated as the "District Map" and said map and all the notations, references and other information shown thereon, and any amendments made from time to time and shown thereon as provided in The Act, together with amendments to boundaries in the case of a street or lane closed as provided in Chapter 20, Sec. F, shall be as much a part of this Scheme as if the matters and information set forth by said map were all fully described herein.

Note: For amendments to the District Map, see Chapter 22.

Whenever the terms "R" District, or "C" District are used, they shall be deemed to refer to all districts containing the same letter in their names (except "RA" Suburban District"; i.e., "C" District shall include the "C1" and "C2" Districts.

Note: Certain General Provisions, Exceptions and Conditional Uses pertaining to the district regulations are contained in Chapters 13, 14 and 16 respectively.

The "R1" District is the most restricted and the "M1" District the least restricted use classification.

Chapter 5  
"A1" AGRICULTURAL DISTRICTS

The following regulations shall apply in the "A1" Agricultural Districts:

- A. USE. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, and maintained, except for the following uses:



1. One-family dwellings.
2. Churches, libraries, and museums, provided they are located at least twenty-five (25) feet from all lot lines.
3. Schools under the jurisdiction of the School Board or Boards of the Municipality.
4. Hospitals or sanitariums (except clinics, and hospitals or sanitariums for contagious, mental or drug or liquor addict cases), provided they are located at least fifty (50) feet from all lot lines.
5. Parks, playgrounds or community centers, owned or approved by the Municipal Council.
6. Golf courses; except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
7. Agricultural uses, including field crops; truck gardening; berry or bush crops; tree crops; flower gardening; nurseries; orchards; aviaries; apiaries; and mushroom farms.
8. Farms devoted to the hatching, raising and marketing of chickens, turkeys, or other poultry, fowl, rabbits, fish or frogs; provided, however, that no killing or dressing of poultry or rabbits shall be permitted other than the poultry or rabbits raised on the premises and that such killing or dressing is done in an accessory building.
9. Farms or ranches for grazing, breeding, raising or training horses or cattle; riding stables or academies; cattle dairies on a lot having an area of not less than twenty (20) acres; sheep, goat or swine raising; dog kennels or the breeding, boarding or sale of dogs or cats; aquariums; and mink or fox farms.
10. Any other similar uses or enterprises customarily carried on in the field of general agriculture and not obnoxious or detrimental to the public welfare.
11. Accessory uses, including home occupations or the home office of a physician, dentist, or other person authorized by law to practice medicine or healing; a private garage; accessory living quarters; guest house; recreation room; greenhouse; lath-house; stable; barn; corral; pen; coop; kennel; poultry or rabbit killing and dressing room; building or room for packing products raised on the premises; or other similar structure, when located not less than one hundred (100) feet from the front lot line nor less than twenty-five (25) feet from any other lot line. Accessory living quarters, guest house recreation room, and a private garage or any combination of such uses may be included in one (1) building of one (1) or two (2) storeys in height.
12. Name plates and signs as follows; one name plate for each dwelling unit, not exceeding three (3) square feet in area, indicating the name of the occupant or a permitted occupation; one identification sign, not exceeding twenty (20) square feet in area, for farms, ranches, estates, or buildings other than dwellings; one church bulletin board not exceeding eighteen (18) square feet in area; single or double-faced unlighted sign or signs, appertaining only to the prospective rental or sale of the property on which it is located or to





the farm products produced upon the premises, provided such signs do not exceed a total of twenty (20) square feet in area and are located not nearer than ten (10) feet to any street or highway; and one or more signs, not exceeding three (3) square feet in area, warning against trespassing.

- B. HEIGHT. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed two and one-half ( $2\frac{1}{2}$ ) storeys or thirty-five (35) feet in height.
- C. AREA. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:
1. FRONT YARD. There shall be a front yard of not less than twenty-five (25) feet in depth measured perpendicularly or radially from the front lot line.
  2. SIDE YARDS. There shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed twenty-five (25) feet and shall not be less than three (3) feet in width.
  3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) feet in depth measured perpendicularly or radially from the rear lot line.
  4. LOT AREA. Every lot, farm or other parcel of land shall have a minimum average width of three hundred (300) feet and a minimum area of five (5) acres, and every use permitted in this chapter shall be located on a lot, farm or other parcel of land having an area of not less than five (5) acres, except that (a) the lot area for cattle dairies shall be not less than twenty (20) acres, and (b) churches, libraries, museums, public utility and public service uses or structures, and sanitarium or hospitals (except animal) not exceeding fifty (50) beds, may be located on a lot of not less than two (2) acres.

In no case shall a farm or other parcel of land be reduced to less than five (5) acres except as provided above and provided that where a lot has less width or less area than herein required and was of record at the time this Scheme becomes effective, such lot may be occupied by any use permitted in this Chapter except those uses set forth above in Section A, paragraph 9.





The following regulations shall apply in the "RA" Suburban Districts:

A. USE. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, and maintained, except for the following uses:

1. Any use permitted in the "A1" Agricultural Districts provided that all area requirements therein are complied with. In the case of the following uses, however, the area regulations subsequently set forth in this section shall apply:

- (a) One-family dwellings.
- (b) Churches or Parish Halls, provided they comply with the side yard regulations as required in Chapter 13,C,4.
- (c) Parks, Playgrounds or Community Centres, owned or approved by the Municipal Council.
- (d) Golf Courses, except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
- (e) Truck or market gardening, including nurseries; green-houses; the hatching and raising of poultry and fowl; the raising of rabbits, bees and the like; the keeping of domestic animals as an incidental use; and the sale of products or commodities raised on the premises, if no retail stand or commercial structure is maintained.
- (f) Uses of transitional lots as follows:
  - (1) A two-family dwelling.  
The yard requirements for such two-family dwellings shall be the same as in the "R2" Two-family Districts, and the minimum lot area per dwelling unit shall be ten thousand (10,000) square feet.
  - (2) A public parking area when located and developed as required in Chapter 13,A,8.

2. Accessory uses including, (a) home occupations, (b) the home office of a physician, dentist, or other person authorized by law to practice medicine or healing, when situated in a room in the same dwelling unit as the home of the occupant, (c) one private garage, (d) one private stable located in a detached building, provided that it meets the requirements of the Public Health Act of Manitoba, and the Health By-law of the Municipality, and (e) accessory living quarters constructed as a part of the main building or located above a private garage. Detached accessory buildings shall be located not less than seventy (70) feet from the front lot line, and not less than five (5) feet from any other street line (except in the case of a stable which shall be located not less than twenty-five (25) feet from any other street line), nor less than eight (8) feet from the rear lot line where no lane exists.



3. Name plates and signs as follows: one name plate for each dwelling unit, not exceeding three (3) square feet in area, indicating the name of the occupant or a permitted occupation; one identification sign, not exceeding twenty (20) square feet in area, for farms, ranches, estates, or buildings other than dwellings; one church bulletin board not exceeding eighteen (18) square feet in area; single or double-faced unlighted sign or signs, appertaining only to the prospective rental or sale of property on which it is located or to the farm products produced upon the premises, provided such signs do not exceed a total of twenty (20) square feet in area and are located not nearer than ten (10) feet to any street or highway; and one or more signs, not exceeding three (3) square feet in area, warning against trespassing.

4. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter 13, A8.

B. HEIGHT. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed two and one-half (~~2~~<sup>25</sup>) storeys or thirty-five (35) feet in height.

C. AREA. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. FRONT YARD. There shall be a front yard of not less than twenty-five (25) feet in depth measured perpendicularly or radially from the front lot line.

Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than six (6) feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted. On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot. In no case shall a front yard of more than fifty (50) feet be required.





2. SIDE YARDS. On interior lots, there shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

On corner lots, the side yard regulations shall be the same as for interior lots, except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Scheme becomes effective, to less than twenty-eight (28) feet for a main building.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) feet in depth measured perpendicularly or radially from the rear lot line.

4. LOT AREA. Every lot shall have a minimum lot area of one-half ( $\frac{1}{2}$ ) acre, except as otherwise required for "A1" uses. The minimum lot area per dwelling unit shall also be one-half ( $\frac{1}{2}$ ) acre except for a dwelling use on a transitional lot.

Provided that where a lot has an area less than one-half ( $\frac{1}{2}$ ) acre, and was of record at the time this Scheme becomes effective, such lot may be occupied by any use permitted in this chapter, except those requiring two (2), five (5) or twenty (20) acres.

## Chapter 7 "R1" ONE-FAMILY DISTRICTS

The following regulations shall apply in the "R1" One-Family Districts:

- A. USE. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, and maintained, except for the following uses:
1. One-family dwellings.
  2. Parks, playgrounds or Community Centres, owned or approved by the Municipal Council.
  3. Golf courses, except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
  4. Truck or market gardening.
  5. Kindergardens and day nurseries.





6. Horticultural Nurseries.
7. Uses of transitional lots as follows:
  - (a) A two-family dwelling. The area requirements for such two-family dwelling shall be the same as in the "R2" District.
  - (b) The principal offices of a physician, dentist, or other person authorized by law to practice medicine or healing, provided such use is conducted within a one-family dwelling and the residential character of such dwelling is not changed.
  - (c) A public parking area when located and developed as required in Chapter 13, A8.
  - (d) Provided that the above uses permitted on transitional lots shall not extend more than sixty-six (66) feet from the boundary of the "R1" District.
8. The following uses provided they comply with the side yard regulations as required in Chapter 13C.
  - (a) Churches or Parish Halls
  - (b) Schools under jurisdiction of the School Board or Boards of the Municipality
  - (c) University, College or School affiliated with the University of Manitoba and not conducted as a commercial or business enterprise
  - (d) Libraries, Art Galleries or Museums, owned or approved by the Municipal Council.
9. Accessory uses including (a) home occupations, (b) the home office of a physician, dentist, or other person authorized by law to practice medicine or healing, when situated in a room in the same dwelling unit as the home of the occupant, (c) one private garage, (d) accessory living quarters constructed as a part of the main building or located above a private garage. Detached buildings for accessory uses shall be located not less than seventy (70) feet from the front lot line, and not less than five (5) feet from any other street line, and not less than eight (8) feet from the rear lot line where no lane exists.
10. Name plates and signs as follows: One unlighted name plate for each dwelling unit, not exceeding one and one-half ( $1\frac{1}{2}$ ) square feet in area, indicating the name of the occupant; one identification sign not exceeding twelve (12) square feet in area for buildings other than dwellings; one church bulletin board, not exceeding eighteen (18) square feet in area; an unlighted sign or signs not exceeding a total area of twelve (12) square feet, appertaining to the prospective rental or sale of the property on which they are located; provided, that a name plate or identification sign shall be attached to and parallel with the front wall of the building, and further, that no name plate or advertising sign of any other character shall be permitted.



11. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter 13, A8.

- B. HEIGHT. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed two and one-half ( $2\frac{1}{2}$ ) storeys or thirty-five (35) feet in height.
- C. AREA. Subject to Chapter 13, Section C, no building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. FRONT YARD. Same as "RA" District.
2. SIDE YARDS. Same as "R1" District.
3. REAR YARD. Same as "R1" District.
4. LOT AREA. Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall also be five thousand (5000) square feet, except for dwelling use on a transitional lot.

Provided, that where a lot has a width less than fifty (50) feet or an area of less than five thousand (5000) square feet, and was of record at the time this Scheme becomes effective, such lot may be occupied by any use permitted in this chapter.

## Chapter 8 "R2" TWO-FAMILY DISTRICTS

The following regulations shall apply in the "R2" Two-Family Districts:

- A. USE. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, and maintained, except for the following uses;
1. Any use permitted in the "R1" One-Family District.
  2. Two-family Dwellings.
  3. Uses of transitional lots as follows:
    - (a) A multiple dwelling. The area requirements for such multiple family dwellings shall be the same as in the "R3" District.
    - (b) The principal offices of a physician, dentist, or other person authorized by law to practice medicine or healing, provided such use is conducted within a one-family dwelling and the residential character of such dwelling is not changed.
    - (c) A public parking area when located and developed as required in Chapter 13, A8.  
Provided that the above uses permitted on transitional lots shall extend not more than sixty-six (66) feet from the boundary of the "R2" District.





Note: See also Chapter 16, A, 22 re Garden Apartments,  
and Chapter 17, A, (g) re Multiple Dwellings.

- 4. Accessory uses, same as "R1" District.
- 5. Name plates and signs - Same as "R1" District.
- 6. Automobile parking space required for dwellings and buildings other than dwellings, as provided for in Chapter 13, A8.

B. HEIGHT. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed two and one-half ( $2\frac{1}{2}$ ) storeys or thirty-five (35) feet in height.

C. AREA. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

- 1. FRONT YARD. Same as "R1" District.
- 2. SIDE YARDS. Same as "R1" District.
- 3. REAR YARD. Same as "R1" District.
- 4. LOT AREA. Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall be twenty-five hundred (2500) square feet, except for a dwelling use on a transitional lot.

Provided that where a lot has a width of less than fifty (50) feet or an area of less than five thousand (5000) square feet and was of record at the time this Scheme becomes effective, such lot may be occupied by any use permitted in this chapter. In no case, however, shall a two-family dwelling have a lot area of less than twenty-two hundred (2200) square feet per dwelling unit.

Chapter 9  
"R3" MULTIPLE FAMILY DISTRICTS

The following regulations shall apply in the "R3" Multiple Family Districts:

A. USE. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, and maintained, except for the following uses:

- 1. Any use permitted in the "R2" Two-family District.
- 2. Multiple Dwellings.
- 3. Group and Row Dwellings.
- 4. Court Apartments.
- 5. Boarding, lodging and rooming Houses.
- 6. Apartment Hotels.
- 7. Hotels, in which incidental business may be conducted only as a service for the persons living therein, provided there is no entrance to such place of business except from the inside of the building and that no sign advertising such business shall be visible from outside the building.





## 8. Uses of transitional lots as follows:

(a) The principal offices of a physician, dentist, or other person authorized by law to practice medicine or healing provided such use is conducted within a one-family dwelling and the residential character of such dwelling is not changed.

(b) A public parking area when located and developed as required in Chapter 13, A8.

Provided that the above uses permitted on transitional lots shall not extend more than sixty-six (66) feet from the boundary of the "R3" District.

## 9. Subject to the side yard regulations contained in Chapter 13, C, the following uses:

(a) Fraternity and Sorority Houses

(b) Private schools,

(c) Private non-profit clubs or lodges, chartered as such by the Dominion of Canada or by the Province, excepting those the chief activity of which is a service customarily carried on as a business,

(d) Hospitals, sanatoria and Public Welfare Institutions (except animal hospitals, clinics, nursing homes and hospitals or sanatoria for contagious, mental, or drug or liquor-addict cases).

(e) Institutions of an educational or philanthropic nature, except those of a correctional nature or for mental cases.

(f) Convents and monasteries.

## 10. Accessory Uses. Same as "R1" District.

11. Name plates and signs as follows: (a) One unlighted name plate, not exceeding one and one-half ( $1\frac{1}{2}$ ) square feet in area, indicating the name of the occupant; (b) one unlighted identification sign not exceeding three (3) square feet in area for Boarding, Lodging and Rooming Houses; (c) one lighted identification sign (excluding illuminated signs of the flashing or animated type) not exceeding twelve (12) square feet in area for multiple dwellings having four (4) or more dwelling units and for buildings other than dwellings; (d) one church bulletin board not exceeding eighteen (18) square feet in area; (e) an unlighted sign or signs not exceeding a total area of twelve (12) square feet appertaining to the prospective rental or sale of the property on which they are located; provided, that a name plate or identification sign shall be attached to and parallel with the front wall of the building and further, that no name plate or advertising sign of any other character shall be permitted.

12. Automobile parking space required, for dwellings and for buildings other than dwellings, as provided for in Chapter 13, A8.

B. HEIGHT. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed three (3) storeys or forty-five (45) feet in height.



C. AREA. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. FRONT YARD. There shall be a front yard of not less than twenty (20) per cent of the depth of the lot, but such front yard need not exceed twenty (20) feet.

Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than six (6) feet in depth, the average of such front yard shall establish the front yard depth for the entire frontage. In determining such front yard depth buildings located entirely on the rear one-half of a lot shall not be counted. On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot. In no case shall a front yard of more than fifty (50) feet be required.

2. SIDE YARDS. On interior lots there shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width for a building not more than two and one-half ( $2\frac{1}{2}$ ) storeys in height. For three (3) storey buildings, one (1) foot shall be added to the width of each side yard required above.

On corner lots the side yard regulations shall be the same as for interior lots, except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots) but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard), of a reversed corner lot of record at the time this Scheme becomes effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building.





3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet for interior lots nor fifteen (15) feet for corner lots.
4. LOT AREA. Every lot shall have a minimum average width of fifty (50) feet and minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall be eight hundred (800) square feet.

Provided, that where a lot has a width of less than fifty (50) feet or an area of less than five thousand (5000) square feet and was of record at the time this Scheme becomes effective, such lot may be occupied by any use permitted in this chapter, except that where such lot has an area of less than five thousand (5000) square feet but not less than four thousand (4000) square feet, the lot area per dwelling unit shall not be less than one thousand (1000) square feet. In no case, however, shall more than one dwelling unit be permitted where such lot has an area of less than four thousand (4000) square feet. Further, the above regulations shall apply to a suite of two (2) or more guest rooms in a hotel or apartment hotel, but not to individual guest rooms in such buildings.

Chapter 10  
"C1" LIMITED COMMERCIAL DISTRICTS

The following regulations shall apply in the "C1" Limited Commercial Districts:

- A. USE. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, and maintained, except for the following uses:
1. Any use permitted in the "R3" Multiple-family District.
  2. Agency for clothes cleaning, laundry or pressing establishment.
  3. Baked goods shop.
  4. Barber shop or beauty parlor.
  5. Book or stationery store.
  6. Confectionery store.
  7. Dressmaking or millinery shop.
  8. Drug store.
  9. Dry goods or notions store.
  10. Florist or gift shop.
  11. Frozen Food Lockers used exclusively for service directly to consumer in the immediate neighborhood and containing not more than seven hundred (700) lockers, having a capacity of not more than one hundred (100) cubic feet each.
  12. Grocery, fruit or vegetable store.
  13. Hardware or electrical appliance store, or radio shop.
  14. Jewelry store, or watch repair shop.



15. Meat market or delicatessen store.
16. Offices, business or professional.
17. Photographer.
18. Public parking area, when located and developed as required in Chapter 13, A, 10.
19. Restaurant, tea room or cafe (excluding dancing or entertainment).
20. Shoe store or shoe repair shop.
21. Tailor, clothing or wearing apparel shop.
22. Accessory uses when located on the same lot. Provided that (a) no retail store or business shall involve any kind of manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to such retail store or business and where all such products are sold at retail on the premises; and (b) all exterior walls of a building hereafter erected, extended, or structurally altered, which face a street or property in an "A1", "RA", or "R" District shall be designed, treated and finished in a uniform and satisfactory manner approved by the Building Inspector.
23. Loading space as required in Chapter 13, A, 9.
24. Other uses similar to the above as provided for in Chapter 13, A, 3, provided such uses are essential as a matter of public convenience to the immediate neighborhood only.
25. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter 13, A, 8.

B. HEIGHT. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed two and one-half (2½) storeys or thirty-five (35) feet in height.

C. AREA. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. FRONT YARD. There shall be a front yard of not less than twenty (20) per cent of the depth of the lot, but such front yard need not exceed twenty (20) feet.

Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than six (6) feet in depth, the average of such front yards shall establish the front yard depth for the Entire Frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted. In no case shall a front yard of more than fifty (50) feet be required.





2. SIDE YARDS. Where the side of a lot in the "C1" District abuts upon the side of a lot in the "A1" or "PA" or any "R" District, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

Where the rear of a reversed corner lot abuts upon the side of a lot in the "A1" or "PA" Districts or any "R" District, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner lot of record at the time this Scheme becomes effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building. In all other cases, a side yard for a commercial building shall not be required, but if provided it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for dwelling purposes shall comply with the side yard regulations of the "R1" District.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.
4. LOT AREA. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R2" District.

Chapter 11  
"C2" COMMERCIAL DISTRICTS

The following regulations shall apply in the "C2" Commercial Districts:

- A. USE. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, and maintained, except for the following uses:
1. Any use permitted in the "C1" District.
  2. Retail stores or retail businesses.
  3. Advertising signs or structures and billboards.
  4. Amusement enterprises, including a bowling alley, dance hall, theatre and the like, if conducted wholly within a completely enclosed building.



5. Art or antique shop, if conducted wholly within a completely enclosed building.
6. Auditorium.
7. Automobile service station provided any tube and tire repairing, battery charging, and storage of merchandise and supplies are conducted wholly within a building; and provided, further, that any lubrication or washing, not conducted wholly within a building, shall be permitted only if a masonry wall or suitable fence approved by the Building Inspector six (6) feet in height is erected and maintained between such uses and any adjoining "RA" or "R" Districts.
8. Automobile and trailer sales area, provided (a) that such area is located and developed as required in Chapter 13, A, 10 and (b) that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.
9. Bank.
10. Baseball or other stadium.
11. Baths, public.
12. Bird store, pet shop or taxidermist.
13. Business college or private school operated as a commercial enterprise.
14. Blueprinting or photostating.
15. Carpenter shop or cabinet shop, if conducted wholly within a completely enclosed building, but excluding wholesale manufacture.
16. Catering establishment.
17. Cleaning establishment, using non-inflammable and non-explosive cleaning fluid.
18. Department or furniture store.
19. Drive-in businesses, when persons are served in automobiles such as refreshment stands, restaurants, food stores, banks and the like.
20. Drive-in Theatres.
21. Flour and feed store.
22. Fuel order office.
23. Film exchange.
24. Frozen Food Lockers used exclusively for service directly to the consumer.
25. Funeral Parlors.
26. Hospitals for small animals.
27. Ice storage house, not more than five (5) tons capacity.
28. Interior decorating store.
29. Medical or dental clinics and laboratories.
30. Music conservatory or music instruction.
31. Newsstand.
32. Pawnshop.
33. Plumbing or sheet metal shops not including manufacture for wholesale of plumbing or sheet metal products, if conducted wholly within a completely enclosed building.
34. Pony riding ring, without stables.
35. Printing, lithographing or publishing.





36. Public garage, including automobile repairing, and incidental body and fender work, painting or upholstering, if all operations are conducted within a completely enclosed building. Provided, however, that where a public garage is located on a lot which does not abut upon a lane and is within fifty (50) feet of a lot in an "RA" or "R" District, the garage wall, nearest to such lot, shall have no openings other than stationary windows.
  37. Public services, including electric distributing sub-station, fire or police station, telephone exchange, and the like.
  38. Rescue missions or temporary revival churches.
  39. Second-hand store, if conducted wholly within a completely enclosed building.
  40. Sign painting shop, if conducted wholly within a completely enclosed building.
  41. Storage building for household goods.
  42. Studios (except motion picture).
  43. Tire shop operated wholly within a building.
  44. Tourist court.
  45. Trade school if conducted wholly within a completely enclosed building.
  46. Trailer or public camps.
  47. Upholstering shop, if conducted wholly within a completely enclosed building.
  48. Other uses similar to the above, as provided for in Chapter 13, A, 3.
  49. Accessory uses when located on the same lot.
  50. Loading space as required in Chapter 13, A, 9.
  51. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter 13, A, 8.
3. HEIGHT. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed three (3) storeys or forty-five (45) feet in height.
4. AREA. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.
1. FRONT YARD. Where the entire frontage is located in the "C2" District, no front yard shall be required. Where the entire frontage is located partly in the "C2" District, and partly in an "A1", "RA", or "R" District, the front yard requirement of the "A1", "RA", or "R" District shall apply in the "C2" District.



2. SIDE YARDS. Where the side of a lot in the "C2" District abuts upon the side of a lot in the "A1" or "RA" Districts or any "R" District, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

Where the rear of a reversed corner lot abuts upon the side of a lot in the "A1" or "RA" Districts or any "R" District, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet in width. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner lot of record at the time this Scheme becomes effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building. In all other cases, a side yard for a commercial building shall not be required, but if provided it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes in a "C2" District shall comply with the side yard regulations of the "R3" Districts.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet for interior lots nor fifteen (15) feet for corner lots. Provided, that where the rear of a lot in the "C2" District abuts upon the side or rear of a lot in a "C", or "M1" District, the rear yard need not exceed ten (10) feet in depth.

Buildings hereafter erected and used exclusively for residential purposes in a "C2" District shall comply with the rear yard regulations of the "R3" District.

4. LOT AREA. Buildings hereafter erected and used wholly or partly for dwelling purposes in a "C2" District shall comply with the lot area requirements of the "R3" District.

## Chapter 12 "M1" LIGHT INDUSTRIAL DISTRICTS

The following regulations shall apply in the "M1" Light Industrial District:

- A. USE. No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, and maintained, except for the following uses:





1. Any use permitted in the "C2" District.
2. Uses to be conducted wholly within a completely enclosed building except for the on-site parking of delivery vehicles which are incidental thereto:
  - (a) The manufacture, compounding, processing, packaging, or treatment of such products as baked foods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
  - (b) The Manufacture, compounding, assembling, packaging or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing or saw mills), and paint not employing a boiling process.
  - (c) The manufacture of figurines and other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or low pressure gas.
  - (d) The manufacture or repair of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating products and equipment, cornices, eaves, and the like.
  - (e) The manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
  - (f) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
  - (g) Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic rivetters or screw machines.
  - (h) Chicken hatchery.
  - (i) Frozen food lockers.
  - (j) Laundry, cleaning and dyeing works, and carpet and rug cleaning.
  - (k) Distribution plants, parcel delivery, ice and cold storage plant, bottling plant and food commissary or catering establishments.
  - (l) Wholesale business, storage buildings, and warehouses.
  - (m) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.
  - (n) Laboratories; experimental, photo or motion picture, film, or testing.
  - (o) Veterinary or dog or cat hospitals, and kennels.
  - (p) Poultry or rabbit killing incidental to a retail business on the same premises.



3. Uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall, compact hedge or uniformly painted board fence, not less than six (6) feet in height.
  - (a) Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing.
  - (b) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
  - (c) Retail lumber yard, including only incidental mill work.
  - (d) Feed and fuel yard.
  - (e) Draying, freighting or trucking yard or terminal.
  - (f) Public utility service yard or electric generating receiving or transforming station.
  - (g) Small boat building.
4. Other uses similar to the above, as provided for in Chapter 13, A, 3.
5. Accessory uses when located on the same lot.
6. Loading space as required in Chapter 13, A, 9.
7. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter 13, A, 8.
8. HEIGHT. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed three (3) storeys or forty-five (45) feet in height.
9. AREA. No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:
  1. FRONT YARD. Where the entire frontage is located in the "M1" District, no front yard shall be required. Where the entire frontage is located partly in the "M1" District and partly in the "A1" or "RA" Districts or any "R" District, the front yard requirement of the "A1", "RA" or "R" District shall apply in the "M1" District.
  2. SIDE YARDS. Where the side of a lot in the "M1" District abuts upon the side of a lot in the "A1" or "RA" Districts or any "R" District, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

Where the rear of a reversed corner lot abuts upon the side of a lot in the "A1" or "RA" Districts or any "R" District, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet in width. No accessory





building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner lot of record at the time this Scheme becomes effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building. In all other cases, a side yard for a commercial or industrial building shall not be required, but if provided it shall not be less than three (3) feet in width.

Buildings hereafter erected for or converted to residential purposes shall comply with the side yard regulations of the "R3" District.

3. REAR YARD. No rear yard shall be required except where the "M1" District abuts upon an "A1", "RA", or "R" District, in which case there shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet for interior lots nor fifteen (15) feet for corner lots.

Buildings hereafter erected for or converted to residential purposes shall comply with the rear yard regulations of the "R3" District.

4. LOT AREA. Buildings hereafter erected for or converted to residential purposes shall comply with the lot area requirements of the "R3" District.

### Chapter 13 GENERAL PROVISIONS

- A. USE. 1. MOVING BUILDING. No building or structure shall be moved in whole or part to any other location unless every portion of the building or structure is made to conform to all the regulations of the Scheme applying to the District in which it is to be located.
2. CONFORMANCE AND PERMITS REQUIRED. No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved, and maintained, nor shall any building, structure or land be used, designed, or intended for any use other than is permitted in the district in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by all laws and By-laws.



3. OTHER USES DETERMINED BY COUNCIL. Where the term "other uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgment of Council, on the advice of the Planning Commission, as evidenced by a written decision, are similar to and not more objectionable to the general welfare than the uses listed in the same chapter and, in any specific case, not more objectionable to the welfare of the particular community than such listed uses. Any "other uses" so determined by Council shall be regarded as listed uses. In no instance, however, shall Council determine, nor shall these regulations be so interpreted, that a use shall be permitted in a district when such use is specifically listed as first permissible in a less restricted district; i.e., a use specifically listed in the "R3" District shall not be permitted in the "R2" District.
4. NEW AREAS. Any areas annexed to the municipality shall automatically become "R1" classification until the Planning Commission has an opportunity to study the area and make its recommendation thereon and the final plan is adopted by Council. The Commission shall make its final recommendation to Council within three (3) months.
5. SPECIAL AREAS. Any area shown as parks, playground, exhibition ground, airport, golf course, race track, or cemetery on the zoning district map shall not be used for any purpose other than those uses permitted in the "R1" District, unless property is classified by the Commission and approved by the Council for another use.
6. NOXIOUS OR OFFENSIVE USES. Notwithstanding anything herein contained, no use shall be permitted in any district which may be noxious or offensive by reason of the omission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. This shall not be so interpreted as to overrule the next succeeding clause.
7. PUBLIC UTILITIES AND RAILWAYS. Nothing in this Scheme shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility or public service, including railway tracks and rights-of-way, on any property where such use lawfully existed at the time this Scheme becomes effective.
8. AUTOMOBILE PARKING SPACE. There shall be provided at the time of the erection of any main building or structure or at any time any main building or structure is enlarged or increased in capacity, minimum off-street parking accommodations with adequate provision for ingress and egress by





standard size automobiles as follows:

- (a) FOR MULTIPLE DWELLINGS. There shall be at least one (1) permanently maintained parking space on the same lot with the main building or the enlargement of a main building, for each two (2) dwelling units in the case of a new building or for each two (2) dwelling units added to an existing building provided that no front or side yard may be used for such parking purposes. Such parking space shall not be less than eight (8) feet wide and eighteen (18) feet long. In the "C" and "M1" Districts there shall be at least one (1) permanently maintained parking space of two hundred fifty (250) square feet on the same lot with the main building or the enlargement of a main building, for each dwelling unit in the case of a new building or for each dwelling unit added to an existing building.
- (b) FOR BUILDINGS OTHER THAN DWELLINGS. For a new building or structure or for the enlargement or increase in seating capacity, floor area or guest rooms of any existing main building or structure, there shall be at least one (1) permanently maintained parking space of two hundred fifty (250) square feet as follows:
- (1) For churches, at least one (1) parking space for every thirty (30) seats provided in the body of the church.
  - (2) For high school, college and university auditoriums and for theatres, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every twenty (20) seats provided in said buildings or structures.
  - (3) For hospitals and welfare institutions, at least one (1) parking space for every fifteen hundred (1500) square feet of floor area in said building.
  - (4) For hotels, apartment hotels and clubs, at least one (1) parking space for each of the first twenty (20) individual guest rooms or suites; one (1) additional parking space for every four (4) guest rooms or suites in excess of twenty (20), but not exceeding forty (40); and one (1) additional parking space for every six (6) guest rooms or suites in excess of forty (40) guest rooms or suites, provided in said buildings.
  - (5) For tourist courts, at least one (1) parking space for each individual sleeping or living unit.



(6) For buildings or structures having a floor area of more than three thousand (3000) square feet used for commercial purposes, at least one (1) parking space for every five hundred (500) square feet of gross floor area so used in excess of three thousand (3000) square feet, excluding automobile parking space.

Parking space as required above shall be on the same lot with the main building or structure or located not more than one thousand (1000) feet therefrom.

(c) FOR MULTIPLE USE BUILDINGS. For multiple use buildings the parking space required for each type of use shall be provided in accordance with paragraphs (a) and (b) of this subsection.

Note: See Chapter 15, A, 3(c).

9. LOADING SPACE. For every hospital, institution, hotel, commercial or industrial building hereafter erected or established there shall be provided and maintained with access from a lane at least one (1) loading space of not less than ten (10) feet in width, twenty (20) feet in length measured at right angles to the lane, and fourteen (14) feet in height, for each two thousand (2000) square feet of lot area upon which said building is located. If no lane abuts the said lot access may be provided from a street with the minimum length of loading space of twenty (20) feet measured at right angles to the said street. Not more than two (2) such spaces shall be required, unless the building on such lot has a gross floor area of more than eighty thousand (80,000) square feet, in which case there shall be one (1) additional loading space for each additional forty thousand (40,000) square feet (in excess of eighty thousand (80,000) square feet) or fraction thereof above ten thousand (10,000) square feet. Any loading space may occupy a required open rear yard. No required loading space shall occupy any required parking space.

10. PUBLIC PARKING AREAS - AUTOMOBILE AND TRAILER SALES AREAS. Every parcel of land hereafter used as a public parking area or automobile and trailer sales area shall be developed as follows, subject to the approval of plans thereof by the Planning Commission:

(a) Such area shall be surfaced in such manner that it shall be useable in all seasons; shall have appropriate bumper guards where needed, and shall be properly enclosed with an ornamental fence or wall, having a height of not less than two (2) feet nor more than six (6) feet.





Such fence or wall shall be maintained in good condition. Where a front yard is required, or a side yard on the street side of a corner lot is required, such yards shall be landscaped and properly maintained.

- (b) Where such area adjoins the side of a lot in the "A1" or "RA" Districts, or any "R" District, a six (6) foot masonry wall or suitable fence shall be erected and maintained at least five (5) feet from the side of such lot and suitable landscaping shall be planted and maintained in the space between the parking lot wall and the adjoining property. Provided, however, that such wall or fence shall not extend into the front yard required on the lot on which it is located.
- (c) Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in the "A1" or "RA" Districts or any "R" District.

#### HEIGHT.

- 1. HEIGHT CONFORMANCE. Except as hereinafter provided, no building or structure nor the enlargement of any building or structure shall be hereafter erected, reconstructed, and maintained which exceeds the height limit established for the district wherein such building or structure is located.

#### AREA.

- 1. AREA REQUIREMENTS. Except as hereinafter provided, no building or structure nor the enlargement of any building or structure shall be hereafter erected, located, and maintained on a lot unless such building, structure or enlargement conforms with the area regulations of the district in which it is located.

- (a) No parcel of land held under separate ownership at the time this Scheme becomes effective, shall be reduced in any manner below the minimum lot area, size or dimensions required by this Scheme.
- (b) No building shall be added to, or reconstructed, and no lot upon which a building stands shall be reduced in area, nor shall its boundaries be altered, if such additions, reconstruction, reduction or alteration would cause the violation of any of the provisions of this Scheme.
- (c) No yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Scheme, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.



- (d) Not more than one (1) main residential building and its accessory buildings shall be permitted on one (1) lot. Group dwellings and institutions, court apartments, garden apartments, row dwellings, and a unit group of dwellings shall be considered as one (1) main residential building.
- (e) No building permit shall be issued for a building or structure on a lot where on a septic tank disposal system is to be used unless the area of the lot meets the requirements of the Department of Health of the Province of Manitoba and any by-law of the municipality affecting the installation and use of septic tank systems.
- (f) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion of its required width and located on that side thereof from which no dedication was secured, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.
- (g) No building permit shall be issued for a building or structure on a corner lot when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner lot has its frontage at the time this Scheme becomes effective.
- (h) Notwithstanding anything herein contained, no building permit shall be issued for a dwelling having a horizontal cross-sectional area of less than five hundred and twenty-eight (528) square feet measured from outside to outside of principal walls at the first floor level.
- (i) Every required yard shall be open and unobstructed from the ground to the sky.  
Note: See Chapter 14, Section C, 12.
- (j) At each end of a through lot there shall be a front yard of the depth required by this Scheme, for the district in which each street frontage is located; provided, however, that one of such front yards may serve as a required rear yard.

2. GROUP AND SIMILAR DWELLINGS BACKING ON SIDE YARDS. The rear of group or similar dwellings may be arranged to abut upon side yards or have their service entrances open thereon, provided the following regulations are complied with:

- (a) In the case of group dwellings or court apartments, the required side yards shall be increased by six (6) inches for each dwelling unit or portion thereof abutting such side yard, but said side yard need not exceed seven (7) feet, except that for buildings more than three (3) storeys in height each side yard shall be increased one (1) foot in width for each additional storey above





the third storey. The minimum width of the court shall not be less than three (3) times the width of the side yard required in this paragraph.

- (b) Subject to the approval of the Planning Commission in the case of row dwellings or a group of dwellings including one-family, two-family or multiple dwellings not more than two and one-half ( $2\frac{1}{2}$ ) storeys in height arranged so as to back upon one side yard and front upon the other, the side yard upon which the dwellings back shall be increased by six (6) inches for each dwelling unit or portion thereof abutting such side yard, but said side yard need not exceed seven (7) feet. The average width of the side yard upon which the dwellings front shall not be less than one and one-half ( $1\frac{1}{2}$ ) times the width of the other side yard, as required above.
- (c) In the grouping of dwellings as permitted in paragraphs (a) and (b) above, the minimum distance between detached dwellings shall not be less than ten (10) feet, and the front and rear yard requirements for lots in the district in which such dwellings are located shall be complied with.

Note: See also subsection 5 of this chapter.

### 3. YARDS FOR SCHOOLS, HOSPITALS, SANITARIA AND INSTITUTIONS.

In the "R" Districts, no buildings shall be erected, enlarged or converted for use as a school, hospital, sanitarium or institution, unless the side yards of such buildings are equivalent to four (4) times the width of the required side yards for the district in which such buildings are located. Provided that where a lot has a width of less than one hundred (100) feet the above yard requirement on each side of such buildings, if they do not exceed three (3) storeys in height, may be reduced to twenty (20) per cent of the width of the lot, but in no case less than ten (10) feet. No front yard, as required in the district, nor any side yard as required above, shall be used for parking of automobiles.

### 4. YARDS FOR CHURCHES, PARISH HALLS, LIBRARIES, ART GALLERIES, MUSEUMS, PRIVATE CLUBS, LODGES, FRATERNITY AND SORORITY HOUSES.

In the "R" Districts, no buildings shall be erected, enlarged or converted for use as a church, parish hall, library, art gallery, museum, private club, lodge, fraternity or sorority house, unless the side yards of such buildings are equivalent to three (3) times the width of the required side yards for the district in which such buildings are located. Provided that where a lot has a width of less than ninety (90) feet the above yard requirements on each side of such buildings, if they do not exceed three (3) storeys in height, may be reduced to twenty (20) per cent of the width of the lot, but in no case less than ten (10) feet. No front yard, as required in the district, nor any side yard as required above, shall be used for parking of automobiles.



5. **YARDS FOR GROUP BUILDINGS.** In the case of group buildings whether dwellings or buildings specified in Subsections (3) and (4) of this section, the yards on the boundary of the site shall not be less than those required in the district in which the property is located nor shall the distance between buildings within the site be less than the sum of two required front, side or rear yards or a combination of two of the above yards, depending upon the arrangement and relationship of the buildings. The side yard on the boundary of the site shall be governed by the height of the tallest building in the group.  
Note: See subsection 2 of this Section.
6. **CORNER LOTS IN THE "C1" DISTRICT.** In the "C1" districts the front of a corner lot may be assumed to be on either street provided (a) that where the building on the corner faces the intersecting street the full front yard required for the dwellings in the rear of such building shall be observed along the street side of such corner lot; (b) that no front yard shall be required for the building facing the intersecting street unless it adjoins a lot whereon a front or side yard is required along the same intersecting street, in which case a front yard shall be required equivalent to the yard requirement on the adjoining lot but in no case shall a front yard of more than five (5) feet be required.
7. **LOT AREA - TOURIST COURTS.** A tourist court, wherever permitted under the regulations of this Scheme shall have a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit.

Chapter 14  
EXCEPTIONS

A. **USE.** (None.)

B. **HEIGHT.**

1. **THREE-STOREY SCHOOLS IN TWO AND ONE-HALF STOREY DISTRICTS.**  
In the districts limiting the height to two and one-half ( $2\frac{1}{2}$ ) storeys or thirty-five (35) feet, schools may be increased in height to three (3) storeys or forty-five (45) feet, if they comply with the side yards required for three (3) storey schools in Chapter 13, C, 3.
2. **BUILDINGS EXCEEDING THREE STOREYS IN THREE STOREY DISTRICTS.**  
In the districts limiting the height to three (3) storeys or forty-five (45) feet, hospitals, sanatoria or institutions may be erected to a height not exceeding six (6) storeys or seventy-five (75) feet, if they comply with the side yards required for hospitals, sanatoria and institutions more than three (3) storeys in height, in Chapter 13, C, 3.



3. THROUGH LOTS. On through lots the height of a building may be measured from the grade of either adjoining street.
4. STRUCTURES PERMITTED ABOVE HEIGHT LIMIT. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing usable floor space.

C. AREA.

1. BUILDING LINES OR ALIGNMENTS. Building lines or alignments established by any By-law prior to the adoption of this Scheme shall govern and supersede the front yard requirements herein.
2. YARD REGULATIONS MODIFIED. Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape or location or on hillside lots, such regulations may be modified or determined by the Planning Commission, as provided for in Chapter 17.
3. FRONT AND SIDE YARDS - UNIT DEVELOPMENT. Where an entire Frontage in an "R1" District is designed and developed as a unit, the following provisions shall apply: (a) The front yard requirement may be varied by not more than five (5) feet in either direction (i.e. from twenty (20) to thirty (30) feet in the case of a required front yard of twenty-five (25) feet) provided the average front yard for the entire frontage is not less than the minimum front yard required in the district; (b) the side yard requirements may also be varied, provided that the total combined width of the two side yards on a lot is not less than that required for lots in the district, that no side yard shall be less than three (3) feet, and that the minimum distance between the sides of buildings shall not be less than ten (10) feet.
4. SIDE YARD WAIVED. For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building, occupying one (1) lot; semi-detached two and four-family dwellings, row dwellings, group dwellings and court apartments.
5. REAR YARD - INCLUDES ONE-HALF LANE. In computing the depth of a rear yard where such yard opens onto a lane, one-half ( $\frac{1}{2}$ ) the width of such lane may be assumed to be a portion of the required rear yard.





6. REAR YARD - INCLUDES LOADING SPACE. Loading space provided in accordance with this Scheme may occupy a required open rear yard.
7. REAR YARD - ACCESSORY BUILDING. An accessory building not exceeding one (1) storey nor fourteen (14) feet in height may occupy not more than thirty (30) per cent of the area of a required rear yard.

In no case, however, shall a two (2) storey accessory building occupy any part of a required rear yard nor be located nearer than (5) feet to any lot line.
8. LOT AREA - INCLUDES ONE-HALF LANE. In computing the lot area of a lot which abuts upon one or more lanes, one-half ( $\frac{1}{2}$ ) the width of such lane or lanes may be assumed to be a portion of the lot.
9. LOT AREA ACREAGE - INCLUDES ONE-HALF STREET. In computing the lot area of a lot in the "A1" and "RA" Districts, that portion of the width of all abutting streets or highways, which would normally revert to the lot if the street were vacated, may be assumed to be a portion of the lot.
10. THROUGH LOT - ACCESSORY BUILDING. Where a through lot has a depth of less than one hundred fifty (150) feet, an accessory building not exceeding one (1) storey nor fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the nearest street line, a distance of not less than ten (10) per cent of the depth of the lot and at least five (5) feet from any side lot line. In no case shall an accessory building project beyond the front yard line of an existing main building along the entire frontage, but such accessory building need not be located more than twenty-five (25) feet from the street line.
11. THROUGH LOT - MAY BE TWO LOTS. A through lot having a depth of one hundred fifty (150) feet or more, may be assumed to be two lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with. In no case shall an accessory building project beyond the front yard line of an existing main building along the entire frontage, but such accessory building need not be located more than twenty-five (25) feet from a street line.
12. PROJECTIONS INTO YARDS.
  - (a) A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) storey in height and twenty (20) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.
  - (b) Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or



vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than four (4) feet. Chimneys may also project into a required front, side or rear yard not more than one (1) foot, provided the width of such side yard is not reduced to less than three (3) feet.

(c) Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.

(d) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet, and such balconies may extend into a required front yard not more than thirty (30) inches.

(e) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any front, side or rear yard not more than six (6) feet.

(f) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into a court a distance of not more than twenty (20) per cent of the width of such court, but in no case more than six (6) feet.

(g) Openwork ornamental fences, hedges, landscape architectural features, or guard railing for safety protection around depressed ramps, may be located in any front, side or rear yard if maintained at a height not more than four (4) feet above the average ground level adjacent thereto. An openwork type railing not more than three and one-half ( $3\frac{1}{2}$ ) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in subparagraphs (d), (e) and (f).

(h) A fence, lattice-work screen, or wall, not more than six (6) feet in height, or a hedge or thick growth of shrubs or trees, maintained so as not to exceed six (6) feet in height, may be located in any required front yard in the "A1" or "R1" Districts and in any required side or rear yard, provided that in the "R" Districts they do not extend into the required front yard nor into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the intersecting street wherein accessory buildings are prohibited, and provided further, that this provision shall not be so interpreted as to prohibit the erection of an open mesh type fence enclosing an elementary or secondary school site or a public playground.





(i) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of sub-paragraph (h) above.

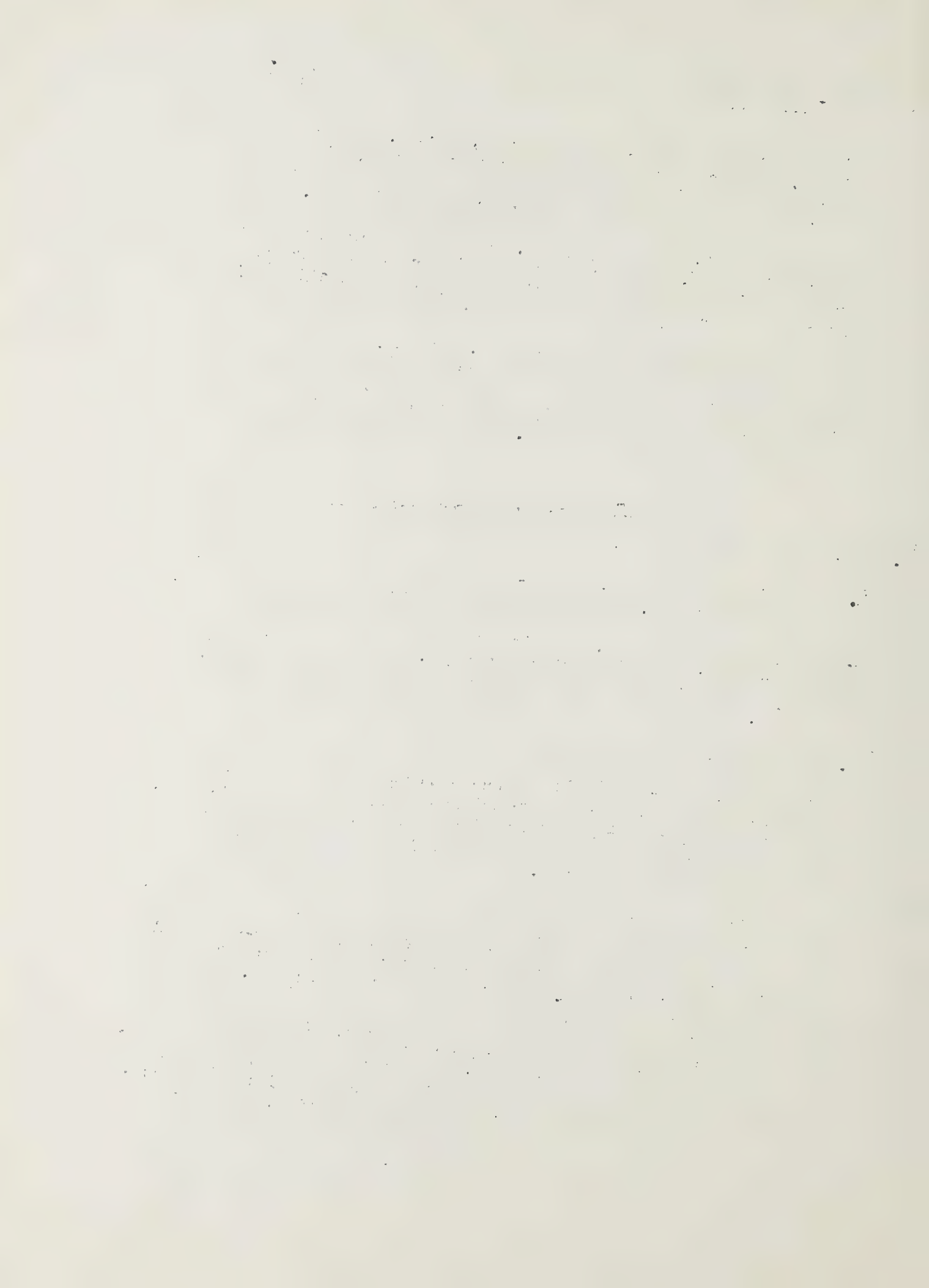
(j) Name plates, bulletin boards, or signs appertaining to the prospective sale, lease or rental of the premises on which they are located, as permitted in this Scheme, shall be allowed in any required front, side or rear yard.

(k) The above structures or features, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Gates or other suitable openings at least two and one-half ( $2\frac{1}{2}$ ) feet in width shall be deemed adequate for such access.

#### Chapter 15 NON-CONFORMING BUILDINGS AND USES

##### • NON-CONFORMING BUILDINGS.

1. MAINTENANCE PERMITTED. A non-conforming building or structure may be maintained, except as otherwise provided in this chapter.
2. REPAIRS - ALTERATIONS. Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations shall be made except those required by law or by-law.
3. ADDITIONS - ENLARGEMENTS - MOVING.
  - (a) A non-conforming building or structure shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargements, is made to conform to all regulations of this Scheme applying to the district in which it is located.
  - (b) A building or structure which does not comply with height or area regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of this Scheme applying to the district in which it is located. Provided that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty (50) per cent of the floor area contained in said building or structure and that the total aggregate value of all such separate additions and enlargements does not exceed the assessed value of said building or structure at the time this Scheme becomes effective.



- (c) A building or structure lacking sufficient automobile parking space in connection therewith as required in Chapter 13, A, 8, may be altered or enlarged to create additional dwelling units in the case of dwellings, seats in the case of churches, auditoriums, theatres, stadiums, and other similar places of assembly, floor area in the case of hospitals, institutions, commercial buildings, guest rooms in the case of hotels and clubs, and sleeping or living units in the case of tourist courts, provided additional automobile parking space is supplied to meet the requirements of Chapter 13, A, 8, for such additional dwelling units, seats, floor area or guest rooms as the case may be.
- (d) No conforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of this Scheme applying to the district in which it is located.

- 4. RESTORATION OF DAMAGED BUILDINGS. A non-conforming building or a building or structure in which a non-conforming use is permitted hereunder, which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to the extent of not more than fifty (50) per cent of its full value based on its assessment at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed if the restoration is started within one (1) year and is diligently prosecuted to completion. If the damage or destruction exceeds the said fifty (50) per cent, no repairs or reconstruction shall be made unless every portion of the building or structure is made to conform to all regulations for new buildings in the district in which it is located.
- 5. ONE YEAR VACANCY. A non-conforming building, structure or portion thereof, which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
- 6. REMOVAL. The Municipal Council, on its own motion or upon petition of the owners of fifty (50%) per cent or more of the area of all property within two hundred (200') feet of a non-conforming building, after a report from the Planning Commission and after public notice and hearing may initiate proceedings for the removal of a non-conforming building as provided in the Town Planning Act, Cap 216, R.S.M. 1940. The Council shall also have power to assess the total cost of such acquisition and removal against all the properties in the neighborhood of such non-conforming building which, in the judgment of the Council, will be benefitted by such removal.



. NON-CONFORMING USE OF BUILDINGS.

1. CONTINUATION AND CHANGE OF USE. Except as otherwise provided in this chapter, (a) the non-conforming use of a building or structure, existing at the time this Scheme becomes effective, may be continued; (b) the use of a non-conforming building or structure may be changed to a use of the same or more restricted classification; but where the use of a non-conforming building or structure is hereafter changed to a use of a more restricted classification it shall not thereafter be changed to a use of a less restricted classification; (c) a vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the effective date of this Scheme, and the use of a non-conforming building or structure which becomes vacant after the effective date of this Scheme, may also be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the building becomes vacant; (d) where a non-conforming building or use is removed for any cause, every future use of the premises shall be in conformity with the regulations of this Scheme applying to the district in which it is located.
2. EXPANSION PROHIBITED. A non-conforming use of a conforming building or structure, i.e. commercial use in a dwelling, shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such a non-conforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of this Scheme applying to the district in which such building or structure is located.
3. NON-CONFORMING USE DISCONTINUED. All non-conforming uses of conforming buildings or structures shall be discontinued not later than five (5) years from the effective date of this Scheme.

. NON-CONFORMING USE OF LAND.

1. CONTINUATION OF USE. The non-conforming use of land (where no main building is involved), existing at the time this Scheme becomes effective, may be continued for a period of not more than five (5) years therefrom, provided:
  - (a) That no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property.
  - (b) That if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Scheme.





- (c) That any sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this Scheme becomes effective; may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided, further, that all such non-conforming signs, billboards, commercial advertising structures and statuary, and their supporting members, shall be completely removed from the premises not later than five (5) years from the effective date of this Scheme.

1. NON-CONFORMITY DUE TO RECLASSIFICATION.

1. The foregoing provisions of this chapter shall also apply to buildings, structures, land, or uses which hereafter become non-conforming due to any reclassification of districts under this Scheme or any subsequent change in the regulations of this Scheme; provided, however, that where a period of years is specified in this chapter for the removal of non-conforming buildings, structures, or uses, said period shall be computed from the date of such reclassification or change.

Chapter 16

CONDITIONAL USES PERMITTED BY MUNICIPAL COUNCIL

1. ADDITIONAL USES PERMITTED.

The Municipal Council, after a public hearing and upon receipt of a report from the Planning Commission, may permit the following uses in any district from which they are prohibited by this Scheme, or in specific districts as herein provided, where such uses are deemed essential or desirable to the public convenience or welfare; and are in harmony with the various elements or objectives of the comprehensive plan.

1. Airports or aircraft landing fields.
2. Billiard or Pool Hall.
3. Boxing Arena.
4. Cemeteries.
5. Circus or amusement enterprise of a similar type, transient in character.
6. Columbariums, crematories or mausoleums.
7. Development of natural resources (excluding the drilling for or producing of oil, gas or other hydrocarbon substances) together with the necessary buildings, apparatus or appurtenances incident thereto.
8. Educational institutions.
9. Government enterprises (federal, provincial and local).
10. Hospitals or sanitarium.
11. Libraries or museums, public.
12. Nurseries or greenhouses.



13. Nursing Homes.
14. Parks, playgrounds, or recreational or community centres, privately operated.
15. Philanthropic or correctional institutions.
16. Private clubs, fraternity or sorority houses.
17. Public utilities and public service uses or structures.
18. Radio or television transmitters.
19. Trailer camps, public camps, or tourist courts, on any property having frontage on a federal or provincial highway.
20. Large scale neighborhood housing projects, provided the buildings comply with the height and area regulations of the district in which they are located. In no case shall the yards on the boundary of the site be less than those required in the district in which the property is located nor shall the distance between buildings within the site be less than the sum of two required front, side or rear yards or a combination of two of the above yards, depending upon the arrangement and relationship of the buildings.
21. New self-contained communities with town lot subdivision in the "A1" and "RA" Districts, provided adequate open spaces and municipal facilities, utilities, and services are made available in a manner satisfactory to the Commission. Upon the approval of the location and design of any such self-contained community, the Commission shall initiate any re-zoning of the affected area which, in its judgment, is necessary or desirable.
22. Garden apartments in "R2" Two-family Districts, provided they have a minimum site of three (3) acres, occupy not more than twenty-five (25%) percent of the lot area, exclusive of accessory buildings and the buildings comply with the height and area regulations of the "R2" District. In no case shall the yards on the boundary of the site be less than those required in the "R2" District, nor shall the distance between buildings within the site be less than the sum of two required front, side or rear yards or a combination of two of the above yards, depending upon the arrangement and relationship of the buildings.

B. PROCEDURE. Written applications for the approval of the uses referred to in this chapter shall be filed in the Municipal office, upon forms prescribed for that purpose by the Planning Commission.

The Commission shall review each application and shall transmit its findings and recommendations in writing to the Municipal Council within **thirty** (30) days from the date of filing of an application.

The Municipal Council shall make its findings and determination in writing within sixty (60) days from the date of filing of an application and shall forthwith transmit a copy thereof to the applicant **and to the Commission.**

In approving the uses referred to in this Chapter, the Municipal Council shall have authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Comprehensive Plan.

Note: See Comprehensive Plan reports of Metropolitan Planning Commission adopted in principle by the Municipal Council.





1. COMMISSION ACTION. Where practical difficulties, unnecessary hardships, or results inconsistent with the purposes of this Scheme may result from the strict and literal interpretation and enforcement of the regulations thereof, provision is made for minor adjustment as hereinafter stipulated. Action shall be initiated by the owner or lessee of the property affected, by means of a verified application, stating fully the grounds of the application, and facts relied upon. The application shall be made to the Commission through the Building Inspector, and shall be accompanied by a report and recommendation thereon from the Building Inspector. Upon receipt of a properly completed application, and under such conditions and safeguards as it determines, the Commission shall have authority to grant such variances as may be in harmony with the general purpose and intent of the provisions of this Scheme, so that the spirit of the Scheme shall be observed, public safety and welfare secured, and substantial justice done as follows:
- (a) Permit the extension of an existing or proposed conforming use into an adjoining more restricted district.
  - (b) Permit a building or use, on a lot immediately adjoining or across a lane from a less restricted district, upon such conditions and safeguards as will tend to cause an effective transition from the less restricted to the more restricted district.
  - (c) Permit an appropriate development or use on a lot which adjoins a building or use existing by virtue of a district variance or exception granted prior to the effective date of this Scheme; but in no case shall such development or use extend more than sixty (60) feet from the adjoining lot line of said existing building or use.
  - (d) Permit in the "A1" and "RA" Districts and in any "R" District, public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial, or industrial districts.
  - (e) Permit the addition or enlargement of a non-conforming building or structure, provided such addition or enlargement complies with all height and area regulations of the district in which it is located and that the total aggregate floor area included in all such separate additions or enlargements does not exceed fifty (50) per cent of the floor area contained in said building or structure, and that the total aggregate value of all such separate additions or enlargements does not exceed the assessed value of said building or structure at the time it became non-conforming. Provided, further, that no such addition or enlargement shall be permitted which tends to prolong the life of the original building or structure and that such addition or enlargement shall be removed not later than the original building if removal is required in Chapter 15, 4, 6.
  - (f) Permit, in the "R1", "R2" and "R3" Districts, a transitional use on a lot adjoining a non-conforming building, provided such transitional use shall only be a use permitted in the next less restricted district than the one in which the non-conforming building is located, such as an "R2" use in an "R1" District.



Chapter 17 - ADJUSTMENTS

- (g) Permit in the "R2" District a multiple dwelling use in an existing building, provided the lot area per dwelling unit is not less than two thousand (2,000) square feet.
- (h) Permit the use of a non-conforming building or portion thereof which has been vacant or unoccupied for a continuous period of one (1) year, for a use other than that permitted in the district in which such non-conforming building is located, within two (2) years after the termination of the one (1) year vacancy, provided such use does not continue for more than two (2) years.
- (i) Permit a less restricted use in a more restricted district as follows: any "C" district use in any other "C" district; any "M1" use in the "C2" district; provided such use, due to its limited nature, modern devices, or building design, will be no more objectionable than the uses permitted in such district.
- (j) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development of physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- (k) Permit a one-family dwelling on the front portion of a lot in the "R1" District, where a one-family dwelling was constructed on the rear thereof prior to the first zoning of said lot in a one-family district.
- (l) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building.
- (m) Permit in connection with an authorized use, in the "A1" and "RA" Districts, such commercial or industrial uses as are purely incidental to such authorized use.
- (n) Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Municipality, and for periods not to exceed six (6) months in developed sections.

The Commission shall make its findings and determinations in writing within thirty (30) days of the filing of an application and shall forthwith transmit a copy thereof to the applicant.



- B. DENIAL - APPEAL. If an application for a variance is denied by the Commission as provided above, the applicant may, within fourteen (14) days from the date the notification of denial was mailed to said applicant, appeal to the Municipal Council by written notice of appeal filed with the Secretary-Treasurer of the Municipality. Said appeal shall be filed in duplicate, and shall set forth specifically wherein the findings of the Planning Commission were in error and wherein the variance applied for is in harmony with the general purpose and intent of this Scheme, so that the spirit would be observed, public safety and welfare secured and substantial justice done.

## Chapter 18

CERTIFICATE OF OCCUPANCY

No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter erected or structurally altered shall be occupied or used until a Certificate of Occupancy shall have been issued by the Building Inspector.

1. CERTIFICATE OF OCCUPANCY FOR A BUILDING. Certificate of occupancy for a new building or the enlargement or alteration of an existing building shall be applied for coincident with the application for a building permit, and said certificate shall be issued after the request for same shall have been made in writing to the Building Inspector after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a Temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the Municipality relating to the use or occupancy of the premises or any other matter covered by this Scheme, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
2. CERTIFICATE OF OCCUPANCY FOR LAND. Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of tilling the soil and growing therein of farm, garden or orchard products, and a Certificate of Occupancy shall be issued after the application has been made, provided such use is in conformity with the provisions of these regulations.
3. CERTIFICATE OF OCCUPANCY - CONTENTS - FILING - FEE. Certificate of Occupancy shall state that the building or proposed use of a building or land complies with the provisions of these regulations. A record of all certificates shall be kept on file in the office of





the Building Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. A fee of two dollars (\$2.00) shall be charged for each original Certificate of Occupancy, and a fee of one dollar (\$1.00) each shall be charged for duplicate copies of this certificate.

No excavation for any building shall be started before application has been made for a Certificate of Occupancy.

#### Chapter 19 SITE PLANS

All applications for a Certificate of Occupancy shall be made on a printed form to be furnished by the Building Inspector with a site or plot plan in duplicate containing accurate information and dimensions as to the size of and location of the lot; the size and location of the building or structures on the lot; the dimensions of all yards and open spaces; and such other information as may be required by the Building Inspector. The Building Inspector may require the applicant to furnish a survey of the lot prepared by a Manitoba Land Surveyor. A careful record of the original copy of such applications and site plans shall be kept in the office of the Building Inspector and the duplicate copy shall be kept at the building at all times during construction.

#### Chapter 20 BOUNDARIES OF DISTRICTS

Should uncertainty arise with respect to the boundaries of the various districts, as shown on the district map accompanying and made a part of this Scheme, the following rules shall apply:

- A. STREETS OR LANES. The district boundaries are either streets or lanes, unless otherwise shown, and where the indicated boundaries on said district map are approximately street or lane lines, said streets or lanes shall be construed to be the boundaries of such district.
- B. LOT LINES. Where the district boundaries are not shown to be streets or lanes, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines; and where the indicated boundaries on the district map are approximately lot lines, said lot lines shall be construed to be the boundaries of such district, unless said boundaries are otherwise indicated on the map.
- C. SCALE ON MAP - DETERMINATION BY MUNICIPAL COUNCIL. Where the property is indicated on the district map as acreage and not subdivided into lots and blocks or where the district boundary lines are not approximately street, lane or lot lines, the district boundary lines on the district map shall be determined by the scale



contained on such map, and where uncertainty exists, the district boundary line shall be determined by written decision by the Municipal Council after receipt of a recommendation from the Commission. In the event property shown as acreage on the district map has been or is subsequently subdivided into lots and blocks by a duly recorded subdivision ~~plan~~ and the lot and block arrangement does not conform to that anticipated when the district boundaries were established, or property is resubdivided by a duly recorded subdivision ~~plan~~ into a different arrangement of lots and blocks than shown on said district map, the Municipal Council, after receipt of a recommendation from the Commission and after notice to the owner of property affected thereby and hearing, may interpret the district map and make minor readjustments in the district boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street and lot layout on the ground. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the district map shall be changed to conform thereto.

- D. SYMBOL FOR DISTRICT. Where one symbol is used on the district map to indicate the district classification of an area divided by a lane or lanes, said symbol shall establish the classification of the whole of such area.
- E. STREET OR RIGHT OF WAY - ALLOCATION OR DIVISION. A street, lane, railroad or railway right of way, watercourse, channel or body of water, included on the district map shall, unless otherwise indicated, be included within the district of adjoining property on either side thereof; and where such street, lane, right-of-way, watercourse, channel or body of water serves as a boundary between two or more different districts, a line midway in such street, lane, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between districts.
- F. CLOSED STREET OR LANE. If a public street or lane shown on the district map is lawfully closed, the land formerly comprising the street or lane shall be included within the district of the adjoining land on either side of the closed street or lane. If the said street or lane was a district boundary between two or more different districts, the new district boundary shall be the former center line of the closed street or lane.

Note: See chapter 4 re District map.

## Chapter 21

### INTERPRETATION - PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Scheme they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this Scheme to interfere with or abrogate or annul any easement, covenant or other agreement between parties.





Where this Scheme imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other by-laws, rules, regulations, or by easements, covenants or agreements, the provisions of this Scheme shall control.

Chapter 22  
CHANGES AND AMENDMENTS

- A. PROCEDURE FOR CHANGE. Subject to the procedure required in the Regulations under the Town Planning Act, Cap. 216, R.S.M. 1940, the Municipal Council may, whenever the public necessity, convenience, general welfare or good Zoning practice require, and after report thereon by the Commission, amend, supplement or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Scheme. An amendment, supplement, reclassification or change may be initiated by a resolution of intention by the Commission or the Municipal Council or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed.
- B. APPLICATIONS FOR AMENDMENTS. Applications for a change of district boundaries or reclassification of districts, as shown on the district map, shall be filed with the Council upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

- C. DECISION BY MUNICIPAL COUNCIL. The Commission shall study the facts presented, considering public necessity, convenience, general welfare and good zoning practice and within thirty (30) days from the date of filing of any application, shall make its recommendation thereon in writing to the Municipal Council. Council shall, within sixty (60) days from the date of filing of any application, make its findings and determination in writing, and shall forthwith transmit a copy thereof to the applicant and to the Commission. If the Council approves the application, adoption shall be carried out as required in the Regulations under the Town Planning Act, Cap. 216, R.S.M. 1940.

Chapter 23  
ENFORCEMENT

It shall be the duty of the Building Inspector to enforce this Scheme with respect to new construction and the duty of the Medical Health Officer to enforce this Scheme with respect to existing uses.



Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Scheme, shall be liable to penalties as set out in Section 26 of The Act.

Chapter 24  
WHEN EFFECTIVE

This Scheme shall be in full force and effect from and after the day on which it is approved by the Minister under the Town Planning Act.

Pursuant to Sec. 6 (1) of the Town Planning Act, I hereby approve of the within Scheme this            day of            A.D. 1951

Approved and adopted by By-law No.            of the Rural Municipality of St. Vital at a meeting held on the            day of            A.D. 1951

.....  
Minister under the Town Planning Act

.....  
Mayor

.....  
Comptroller of Town Planning

.....  
Secretary-Treasurer



# AMENDMENTS TO THE TEXT OF ST. VITAL TOWN PLANNING SCHEME 1951

## OFFICE CONSOLIDATION

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This consolidation has been prepared for the convenience of persons using the text. It includes all amendments that have been made to the original text as published in 1951 up to and including St. Vital Town Planning Scheme 1955 G. Nothing in this consolidation shall be taken to alter or amend the wording of the original form of various Town Planning Schemes quoted.

### 3. Definitions

(1954 A)

The definition of "Lot" in Chapter 1 is repealed and the following substituted therefor.

Lot: A parcel of land the limits of which are defined by a plan, deed, Certificate of Title or other document of record in the Winnipeg Land Titles Office, or which appears as a separate entry on the assessment roll of the Municipality or which complies with the lot width and area requirements of this Scheme and which has a frontage on a street or public place.

### 4. "A1" Agricultural Districts

(1954 A)

Sub-section 4 of Section C, Chapter 5, (page 13) is hereby amended by adding in the third line of the second paragraph after the word "lot" the words "not forming part of the larger holding".

### 5. "RA" Suburban Districts

(1954 A)

Sub-section 4 of Section C, Chapter 6, (page 16) is hereby amended by adding in the first line of the second paragraph after the word "lot" the words "not forming part of the larger holding".

### 6. "R1" - One Family Districts

(1954 A)

Sub-section 4 of Section C, Chapter 7, (page 18) is amended by adding in the first line of the second paragraph after the word "lot" the words "not forming part of a larger holding".

### 7. "R2" Two Family Districts

(1954 A)

Sub-section 4, Section C, Chapter 8, (page 19) is amended by adding in the first line of the second paragraph after the word "lot" the words "not forming part of a larger holding".

### 8. "R3" - Multiple Family Districts

(1954 A)

Sub-section 4, Section C of Chapter 9, (page 22) is amended by adding in the first line of the second paragraph after the word "lot" the words "not forming part of a larger holding".



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9. Enforcement

(1954 A)

The first paragraph in Chapter 23 (page 51) is repealed and the following substituted therefor:

"It shall be the duty of the Building Inspector to enforce the observance of this scheme, but when the matter of health is involved, the Building Inspector shall consult the Medical Health Officer before taking any action."

4. DISTRICTS

(1955)

Section B, Chapter 4 (Page 11) is hereby amended by adding the following note:

"See also Chapter 7, Section C 5"

5. R1 ONE FAMILY DISTRICT

(1955)

Section C, Chapter 7 (Page 18) is hereby amended by adding a new subsection 5, as follows:

5. Building Areas. Buildings hereafter erected for or converted for use as single family dwellings shall provide horizontal cross-sectional areas measured from outside to outside of principal walls at the ground floor level, equal to or in excess of the areas shown in the following table:

Minimum Area in Square Feet

<u>District</u>	<u>Type A Dwelling</u>	<u>Type B Dwelling</u>	<u>Type C Dwelling</u>
R1 (a)	1000	686	588
R1 (b)	860	593	508
R1 (c)	770	533	457
R1 (d)	660	460	400

The districts aforesaid in the R1 District and the boundaries of such districts are shown upon the Plan attached hereto and made a part of this Scheme being designated as the Plan attached to St. Vital Town Planning Scheme 1955, and said Plan and all the notations, references and other information shown thereon and any amendments made from time to time and shown thereon as provided in the Act together with amendments to boundaries in the case of a street or lane closed as provided in Chapter 20, Section F, shall be as much a part of this scheme as if the matters and information set forth by said map were fully described herein.

Note: In computing areas, rooms with sloping ceilings may be included provided that at least 50% of the floor area has a minimum clear ceiling height of 7' 6", and provided that no floor area over which the clear ceiling height is less than 4' 6" shall be considered.

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and wondering how you are getting on.  
I hope you are well and happy.  
I have been very busy lately  
but I will try to write to you more often.  
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I hope you are well and happy.  
I have been very busy lately  
but I will try to write to you more often.

For dwellings built upon a concrete slab foundation, or without a cellar or basement, the building area requirements tabulated above shall be increased by 150 square feet in the case of Type "A" dwellings and 100 square feet in the case of Type "B" or "C" dwellings.

#### Dwelling Types

- A. A single storey dwelling, or one with an area, measured at the second floor level, of less than 50% of the area measured at the ground floor level.
- B. A one and one-half storey dwelling with an area measured at the second floor level of more than 50% but less than 80% of the area measured at the ground floor level.
- C. A two storey dwelling with an area measured at the second floor level of more than 80% of the area measured at the ground floor level.

#### 6. A1 AGRICULTURAL DISTRICTS

(1955)

Section C, Chapter 5, (Page 13) is hereby amended by adding a new sub-section 5. as follows:

5. Building Area. Buildings hereafter erected for or converted for use as single family dwellings shall comply with the minimum horizontal cross-sectional area requirements of the R1 (d) District.

#### 7. RA SUBURBAN DISTRICTS

(1955)

Section C, Chapter 6, (Page 16) is hereby amended by adding a new sub-section 5 as follows:

5. Building Area. Buildings hereafter erected for or converted for use as single family dwellings shall comply with the minimum horizontal cross-sectional area requirements of the R1 (d) District.

#### 8. R2 TWO FAMILY DISTRICTS

(1955)

Section C, Chapter 8, (Page 19), is hereby amended by adding a new sub-section 5 as follows:

5. Building Area. Buildings hereafter erected for or converted for use as single family dwellings shall comply with the minimum horizontal cross-sectional area requirements of the R1 (d) District. In the case of two-family dwellings; a duplex, having one family on each of two floors shall have a floor area per dwelling unit, as required in the R1 (d) District for a Type A dwelling plus thirty (30) square feet; and a Semi-detached pair, consisting of two separate dwelling units side by side with a common party wall, shall have a floor area per dwelling unit, as required in the R1 (d) District for a Type C dwelling

#### 9. R3 MULTIPLE FAMILY DISTRICTS

(1955)

Section C, Chapter 9, (Page 22) is hereby amended by adding a new sub-section 5 as follows:

5. Building Area. Same as R2 District.

the following is a summary of the information received from the various sources mentioned above. The information is being furnished to you for your information and for your use in the event you should require it.

#### 1. General Information

The information is being furnished to you for your information and for your use in the event you should require it.

The information is being furnished to you for your information and for your use in the event you should require it.

The information is being furnished to you for your information and for your use in the event you should require it.

#### 2. Detailed Information

The information is being furnished to you for your information and for your use in the event you should require it.

The information is being furnished to you for your information and for your use in the event you should require it.

#### 3. Summary of Information

The information is being furnished to you for your information and for your use in the event you should require it.

The information is being furnished to you for your information and for your use in the event you should require it.

#### 4. Conclusions

The information is being furnished to you for your information and for your use in the event you should require it.

The information is being furnished to you for your information and for your use in the event you should require it.

#### 5. Recommendations

The information is being furnished to you for your information and for your use in the event you should require it.



10. C1 LIMITED COMMERCIAL DISTRICT

(1955)

Section C, Chapter 10, (Page 24) is hereby amended by adding a new sub-section 5 as follows:

5. Building Area. Same as R2 District.

11. C2 COMMERCIAL DISTRICT

(1955)

Section C, Chapter 11, (Page 27) is hereby amended by adding a new sub-section 5 as follows: 5. Building Area. Same as R2 District.

12. M1 LIGHT INDUSTRIAL DISTRICT

(1955)

Section C, Chapter 12, (Page 30), is hereby amended by adding a new sub-section 5 as follows:

5. Building Area. Same as R2 District.

13. GENERAL PROVISIONS

(1955)

Section C of Chapter 13, (Page 35) is hereby amended by deleting sub-section 1 (h).

3. DEFINITIONS

(1955 C)

Chapter 1, Page 8, Paragraph 9, is hereby deleted and the following substituted therefor:

PARKING SPACE, AUTOMOBILE: Space within a building or on a lot or public parking area for the temporary parking or storage of one (1) automobile.

4. DISTRICTS

(1955 C)

Chapter 4, B, Page 11, shall be amended as follows:

(i) The following District "F" Flood Plain District, short title "F" be inserted between "RA" Suburban District and "R1" One-family District.

(ii) By deleting the second paragraph, Page 11, beginning with the words "The districts aforesaid" and ending with the words "were all fully described herein". and substituting therefor the following paragraph:-

The districts aforesaid and the boundaries of such districts are shown upon the maps attached hereto and made a part of the Scheme and being designated as the District Map and marked Plan No. 1, 2 and 3 attached to St. Vital Town Planning Scheme 1955C and said maps and all the notations, references and other information shown thereon and any amendments made from time to time and shown thereon as provided in The Act together with amendments to boundaries in the case of a street and lane closed as provided in Chapter 20, Section F, shall be as much a part of this Scheme as if the matters and information set forth in said maps were all fully described herein.

Table 1. *Salmonella* serotypes isolated from the faeces of sheep and goats in the study area

*[Faint, illegible handwritten notes]*

*[Faint handwritten notes at the bottom of the page]*

*[Faint handwritten notes at the bottom of the page]*

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1900

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

6. "F" FLOOD PLAIN DISTRICT

(1955 C)

In order to provide protection to the Municipality and to the residents of the Municipality against the effects of flooding of the Red and Seine Rivers, Chapter 6, Page 14, is hereby amended as follows:

- (i) By inserting the words "Part 1" before the title "RA" Suburban Districts.
- (ii) By inserting a new section at the end of "Part 1" (Page 16) "Part 11" "F" FLOOD PLAIN DISTRICT.

The following regulations shall apply in the "F" Flood Plain Districts

- A. USE. No building, structure, or land shall be used and no building or structure hereafter shall be erected, structurally altered, enlarged and maintained except for the following uses:
  - 1. Summer cottages and cabins for temporary human occupancy only, when constructed according to municipal and provincial regulations.
  - 2. Parks, playgrounds or community centres, owned or approved by the Municipal Council.
  - 3. Golf courses, except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
  - 4. Agricultural uses, including field crops, truck or market gardening, berry or bush crops, tree crops, flower gardening, greenhouses, nurseries, orchards, apiaries, and mushroom farms, and the sale of products or commodities raised on the premises, if no retail stand or commercial structure is maintained.
  - 5. Grazing of horses or cattle. This shall not be interpreted to include sheep, goats or swine, cattle dairies, riding stables or academies, dog kennels, or mink or fox farms. The hatching, raising or marketing of poultry, fowl, rabbits, fish and frogs are also excluded.
  - 6. Any other similar uses or enterprises customarily carried on in the field of general agriculture and not obnoxious or detrimental to the public welfare provided such other uses are approved by the Planning Commission.
  - 7. Accessory uses including a private garage, greenhouse, lath-house, building or room for packing products raised on the premises, or other similar structure, when located not less than seventy (70) feet from the front lot line nor less than five (5) feet from any other lot line, nor less than ten (10) feet from the rear lot line where no lane exists.
  - 8. Name plates or signs as follows:
    - (1) One name plate, not exceeding three (3) square feet in area, indicating the name of the owner or of a permitted occupation.
    - (2) One identification sign not exceeding twenty (20) square feet in area for farms, ranches or estates, in one holding in excess of five (5) acres in area.
    - (3) Single or double-faced unlighted sign or signs, appertaining only to the prospective rental or sale of the property on which it is located or to the farm products produced upon the premises, provided such signs do not exceed a total of twenty (20) square feet in area and are located not nearer than ten (10) feet to any street or highway, and one or more signs not exceeding three (3) square feet in area, warning against trespassing.
  - 9. A public parking area on a transitional lot, when located and developed as required in Chapter 13, A, 10.





B. HEIGHT. No building or structure nor the enlargement of any building or structure hereafter shall be erected and maintained unless the following yards and lot areas are provided and maintained in connection with such building structure or enlargement.

1. FRONT YARDS - same as "RA".
2. SIDE YARDS - same as "RA".
3. REAR YARD - same as "RA".
4. LOT AREA. Every lot shall have a minimum lot area of one-half ( $\frac{1}{2}$ ) acre, provided that, where a lot not forming part of a larger holding has an area of less than one-half ( $\frac{1}{2}$ ) acre and was of record at the time this Scheme becomes effective, such lot may be occupied by any use permitted in Part II of this chapter.

Note: The list of districts on Page 11 should be amended by adding "F" Flood Plain....."F" after "A1" Agricultural District.

#### 7. "R1" ONE-FAMILY DISTRICTS

(1955 C)

In order to provide adequately for future lane openings, sub-section 9, of Section A, Chapter 7, Page 17, is amended by replacing the word and figure "Eight (8)" in the last line of item (d) with the word and figures "Ten (10)".

#### 8. "C1" LIMITED COMMERCIAL DISTRICTS

(1955 C)

In order to prevent reduction of commercial frontage below a desirable minimum and to obviate the necessity of frequent changes to the Town Planning Scheme to provide for new commercial zones, the following changes are made.

(i) Sub-section 1. of Section A. Chapter 10, Page 22, is hereby amended by adding at the end thereof:

"except that dwelling uses shall be permitted only in conjunction with a commercial use permitted in this section and when such commercial use is the primary ground floor use".

(ii) Sub-section 2. Section C. Chapter 10, Page 24, is hereby amended at the end of the third paragraph by the addition of the words "unless the side of the lot is adjacent to a street or a lane".

(iii) Subsection 2. of Section C. Chapter 10, Page 24, is hereby amended in the last paragraph by replacing the word "exclusively" with the word "partly".

(iv) Sub-section 4. of Section C. Chapter 10, Page 24, is hereby amended by deleting the words "wholly or" in the first line hereof.

#### 9. "C2" COMMERCIAL DISTRICTS

(1955 C)

(i) Sub-section 2. Section C. Chapter 11, Page 27, is hereby amended at the end of the third paragraph by the addition of the words "unless the side of the lot is adjacent to a street or a lane."

(ii) Sub-section 2. and 3. of Section C. Chapter 11, Page 27, are hereby amended by deleting the word "exclusively" in the first line of the last paragraph thereof and substituting therefor the word "partly".



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(iii) Sub-section 4. Section C. Chapter 11, Page 27, is hereby amended by deleting the words "wholly or".

10. "M1" LIGHT INDUSTRIAL DISTRICTS

(1955 C)

Sub-section 2. Section C. Chapter 12, Page 30, is hereby amended at the end of the second paragraph by the addition of the words "unless the side of the lot is adjacent to a street or lane".

11. GENERAL PROVISIONS

(1955 C)

Sub-section 7. of Section C. of Chapter 13, Page 37, is hereby amended by replacing the words and figures "Eight Hundred (800)" with the words and figures "One Thousand (1000)".

12. CONDITIONAL USES PERMITTED BY MUNICIPAL COUNCIL

(1955 C)

Sub-section 19, Section A. Chapter 16, Page 45, is hereby deleted.

13. ADJUSTMENTS

(1955 C)

1 Section A. of Chapter 17, Page 46, is hereby amended as follows:

(a) (i) By deleting the first paragraph thereof on Page 46 and substituting therefor the following:

A. COMMISSION ACTION: Where practical difficulties, unnecessary hardships, or results inconsistent with the purposes of this Scheme may result from the strict and literal interpretation and enforcement of the regulations thereof, provision is made for minor adjustment as hereinafter stipulated. Upon receipt of a properly completed application, as provided in Section B, and under such conditions and safeguards as it determines, the Commission shall have authority to grant such variances as may be in harmony with the general purpose and intent of the provisions of this Scheme, so that the spirit of the Scheme shall be observed, public safety and welfare secured, and substantial justice done as follows:

(b) (i) By deleting the last paragraph on Page 47 beginning with the words "The Commission" and ending with the word "applicant."

(c) (i) By adding thereto on Page 47, new Sections (o) and (p).

(o) Permit trailer camps, public camps or tourist courts in an "A1" or "RA" district, or in any district except the "F" and "M1" districts on property fronting on a federal or provincial highway, provided that, in the opinion of the Commission, such accommodation will not be unduly harmful to other development in the municipality. Where accommodation as provided for above is approved by the Commission, there shall be a lot area per sleeping or living unit of not less than one thousand (1000) square feet, a front yard of not less than fifty (50) feet, side yards of not less than twenty (20) feet, and a rear yard of not less than twenty-five (25) feet.

Nothing in this section shall be interpreted as to interfere with the requirements of Section 17 - Public Works Act, Chapter



216 R.S.M. 1954 regarding the erection of any building within 125 feet from a trunk highway for which permission of the Minister of Public Works is required. The accommodations provided shall further be adequate to meet the requirements of the regulations of the Province of Manitoba, governing trailer and tourist camps for approval of four star accommodation.

- (p) Permit minor variations of the boundaries of the "F" Floor Plain Districts, as shown on the District Maps where the applicant can produce evidence that an area of natural ground, adequate for building purposes within the property in question, is at or above the highest level of the Red or Seine Rivers as the case may be in 1948 at the said property, or where the applicant undertakes to raise the level of the natural ground, in a manner approved by the Building Inspector, to or above the highest level of the Red or Seine Rivers as the case may be in 1948 at the said property, provided that in all cases, the Commission considers that the property is reasonably accessible during periods of flood.

11 Section B. of Chapter 17, Page 48, is hereby amended by deleting the same and substituting therefor the following:

- B. PROCEDURE. Requests for variation of the regulations shall be initiated by the owner or lessee of the property affected, by means of a verified application, stating fully, the grounds of the application, and facts relied upon. The application shall be made to the Commission through the Building Inspector, and shall be accompanied by a report and recommendation thereon from the Building Inspector.

At the time of application, the applicant shall pay such fees as may be determined by the Commission. At least five days prior to the Commission hearing, the applicant shall place in at least one issue of a daily newspaper circulated in the municipality, a notice of application, and shall cite in this notice, such particulars as may be required by the Commission.

The Building Inspector, upon receipt of an application, shall advise by letter, all owners (or their agents) of property located within one hundred (100) feet of the property for which variance is requested, and shall <sup>cite</sup> in such letter, particulars as to the application.

The Commission shall make its findings and determinations in writing within the thirty (30) days of the filing of a properly completed application, and shall forthwith transmit a copy thereof to the applicant and to each person appearing as a representative of a separate delegation, or presenting a brief to the Commission, at the hearing, in support of or in protest against the proposed variance.

111 Chapter 17, Page 48, is hereby amended by adding thereto the following Section.

- C. APPEAL. When an application for a variance has been denied or approved by the Commission as provided above, such decision shall be binding, but the applicant or other owner, lessee, or aggrieved person, may, within fourteen (14) days from the date the notification of Commission decision was mailed to said applicant or other person, appeal to the Municipal Council by written notice of appeal filed with the Secretary

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
1155 EAST 58TH STREET  
CHICAGO, ILLINOIS 60637  
TEL. 773-936-5000

PROFESSOR J. H. HARRIS  
1155 EAST 58TH STREET  
CHICAGO, ILLINOIS 60637  
TEL. 773-936-5000  
FAX 773-936-5000

RECEIVED 11/15/93

1155 EAST 58TH STREET  
CHICAGO, ILLINOIS 60637  
TEL. 773-936-5000  
FAX 773-936-5000

1155 EAST 58TH STREET  
CHICAGO, ILLINOIS 60637  
TEL. 773-936-5000  
FAX 773-936-5000

1155 EAST 58TH STREET  
CHICAGO, ILLINOIS 60637  
TEL. 773-936-5000  
FAX 773-936-5000

1155 EAST 58TH STREET  
CHICAGO, ILLINOIS 60637  
TEL. 773-936-5000  
FAX 773-936-5000

1155 EAST 58TH STREET  
CHICAGO, ILLINOIS 60637  
TEL. 773-936-5000  
FAX 773-936-5000



Treasurer of the Municipality. Said appeal shall be filed in duplicate, and shall set forth specifically wherein the findings of the Commission were in error, and wherein the variance applied for is, or is not, as the case may be, in harmony with the general purpose and intent of this Scheme, so that the spirit would be observed, public safety and welfare secured and substantial justice done.

Appeal against any subsequent ruling made by the Municipal Council may be made to the Municipal and Public Utility Board, and should be filed with the Secretary of that Board.









